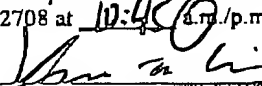


AT 2021.20

Certificate of Mailing/Transmission (37 C.F.R. § 1.6(d))	
I hereby certify that this correspondence and all enclosures are being sent via facsimile to the attention of David Willse at facsimile No. 703-308-2708 at 10:40 a.m. on January 23, 2002.	
By: 	Name of person signing: Kum Lim

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Thomas A. Silvestrini

Serial No.: 08/596,221

Filing Date: July 15, 1996

For: SEGMENTED PLIABLE  
INTRASTROMAL CORNEAL  
INSERT

Examiner: Willse, D.

Group Art Unit: 3738

FAX RECEIVED

JAN 24 2002

GROUP 3700

BOX AF

Commissioner for Patents  
Washington, D.C. 20231STATEMENT REGARDING REPLY PREVIOUSLY MAILED TO THE USPTO ON  
DATE INDICATED ON THE CERTIFICATE OF MAILING

Sir:

On October 15, 2001, the following documents were mailed to the United States Patent and Trademark Office ("USPTO") in response to the Office Action issued in the above-identified application on April 13, 2001:

- 1) Transmittal Form;
- 2) Petition and Fee for Extension of Time (37 C.F.R. § 1.136(a));
- 3) Amendment and Response to Final Office Action; and
- 4) Notice of Appeal from the Examiner to the Board of Patent Appeals and

Interferences-Small Entity.

Enclosed are copies of each of the above documents. This reply and corresponding documents were previously mailed to the USPTO on October 15, 2001 as indicated on the certificate of mailing for each document.

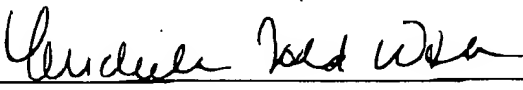
The filing of these papers and request for consideration as timely filed is pursuant to the procedure set forth in "Processing of, and Requirements for, the filing of Duplicate Applications and Papers in View of USPS Mail Delays" [www.uspto.gov](http://www.uspto.gov).

No fee is believed necessary in connection with the filing of this Statement. However, if any fee is required, authorization is given to charge the amount due to Deposit Account No. 50-1189, referencing Billing No. 23915-7319.

If the Examiner has any questions regarding this submission, the Examiner is requested to contact the undersigned at (650) 849-4936.

DATE: January 23, 2002

Respectfully submitted,

By:   
Michele Todd Wasmuth  
Registration No.: 43,239

McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4936  
Telefax: (650) 849-4800

AMENDMENT AFTER FINAL  
ART UNIT 3738

AT 2021.20

**Certificate of Mailing by "First Class Mail"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on October 15, 2001.

By: Jocelyn Lee

Name of person signing: Jocelyn Lee

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Thomas A. Silvestrini

Serial No.: 08/596,221

Filing Date: July 15, 1996

For: SEGMENTED PLIABLE  
INTRASTROMAL CORNEAL INSERT

Examiner: Willse, D.

Group Art Unit: 3738

**BOX AF**Commissioner for Patents  
Washington, D.C. 20231**RESPONSE TRANSMITTAL**

Sir:

In response to the Office Action mailed on April 13, 2001, enclosed herewith for filing are the following:

- ☒ Amendment and Response to Office Action (8 pgs.)
- ☒ Notice of Appeal (2 pgs.)

Also included are:

- ☒ A Petition for Extension of Time [3] months (2 pgs.)
- ☒ Return Postcard

Fee Calculation						
<input type="checkbox"/> The following fees are submitted:						CALCULATIONS
EXTRA CLAIMS FEE				OTHER THAN SMALL ENTITY	SMALL ENTITY	
CLAIMS	CURRENT #	# OF CLAIMS PREVIOUSLY PAID	# EXTRA	RATE	RATE	
Total Claims	- 20			× \$18.00	× \$9.00	\$
Independent claims	- 3			× \$80.00	× \$40.00	\$
MULTIPLE DEPENDENT CLAIM(S)						
<input type="checkbox"/> Yes <input type="checkbox"/> No				\$270.00	\$135.00	\$
Petition for Extension of Time Fee (___ months)						\$
OTHER FEES _____ (specify)						\$
<b>TOTAL FEES =</b>						<b>\$</b>

☒ **Conditional Petition for Extension of Time:** An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1169, Billing Reference No. 23915-7319. *A duplicate copy of this sheet is enclosed.*

DATE: October 15, 2001

Respectfully submitted,

By: *Antoinette F. Konski*  
 Antoinette F. Konski  
 Registration No.: 34,202

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 San Francisco, California 94111  
 Telephone: (650) 849-4950  
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Walnut CreekPalo Alto  
Affiliate Office:  
Taipei**ATTORNEYS AT LAW****Fax Cover Page****Date:** January 23, 2002

	<b>Name</b>	<b>Fax</b>	<b>Phone</b>
<b>To:</b>	BOX AF Attn: Examiner David Willse USPTO	703-308-2708	703-308-2903

<b>From:</b>	Michele Todd Wasmuth for Antoinette F. Konski mwasmuth@mdbe.com	(650) 849-4800	(650) 849-4936
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**Pages (including this cover page): 21**

**Subject:** Application Serial No. 08/596,221  
Filing Date: July 15, 1996  
Title: Segmented Pliable Intrastromal Corneal Insert  
Docket No.: AT 2021.20

**FAX RECEIVED****JAN 24 2002****GROUP 3700****Message:**

Fax Cover Sheet (1 pg.)  
Statement Regarding Reply Previously Mailed to the USPTO (2 pgs.)  
Transmittal Form (2 pgs.) *in duplicate*  
Petition and Fee for Extension of Time (2 pgs.) *in duplicate*  
Amendment and Response to Office Action (8 pgs.)  
Notice of Appeal (2 pgs.)

***For transmission problems, please call (650) 849-4825*****Caution – Confidential**

*The information in this fax is confidential and may also be privileged attorney-client information and attorney work product. It is intended only for the recipient(s) named above. If you aren't a named recipient or his/her authorized representative, any reading, use, copying or disclosure of this fax is strictly prohibited. If you aren't a named recipient, please call the above number (collect) now and return this fax to us by mail at the above address. Thank you.*